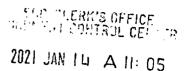
COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION





APPLICATION OF

SHENANDOAH CABLE TELEVISION, LLC

CASE NO. PUR-2020-00275

For designation as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e)

ORDER FOR NOTICE AND COMMENT

On November 23, 2020, Shenandoah Cable Television, LLC ("Shentel" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission") pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201 seeking designation as an eligible telecommunications carrier ("ETC") in areas in which Shentel has telecommunications facilities to be eligible to receive federal universal service fund ("USF") support for Lifeline services provided to low income customers in Virginia in accordance with the rules and regulations of the Federal Communications Commission ("FCC").

On January 6, 2021, Shentel filed an amendment to its Application ("Amended Application") in which the Company adds a request for ETC designation in the areas in which Shentel has been awarded Rural Digital Opportunity Fund ("RDOF") support by the FCC.² Specifically, Shentel seeks to be designated as an ETC in the specific areas in Virginia in which the Company was the winning RDOF bidder as announced by the FCC on December 7, 2020.³

¹ Application at 1-3.

² Amended Application at 1.

³ *Id.* at 1-3.

These areas encompass portions of the counties of Bedford, Fauquier, Frederick, Madison, Orange, Rappahannock, and Rockingham, Virginia.⁴

In support of its Amended Application, Shentel states that the Company is a competitive local exchange carrier authorized to provide local exchange and interexchange telecommunications services in the Commonwealth of Virginia pursuant to certificates of public convenience and necessity issued by the Commission.⁵ Shentel states that regarding its request for ETC designation for Lifeline support, the Company is in various stages of expanding services in Harrisonburg, Staunton, Winchester, Front Royal, Lynchburg, Salem, and Roanoke, Virginia, with a build out in more markets planned over the next three years that will include additional counties near Shentel's existing network and spectrum assets.⁶ Shentel states that consistent with the FCC's requirements for receiving RDOF support, the Company will offer Lifeline services throughout the areas covered by the RDOF support award.⁷

Further, Shentel states that it provides all of the services that the FCC requires for ETC designation, and will advertise the availability of each of the supported services in accordance with 47 U.S.C. § 214 and the FCC's regulations in Part 54 of Title 47 of the Code of Federal Regulations. Shentel also states that as a winning bidder for RDOF high-cost support, the Company will offer voice and broadband services meeting the relevant performance requirements to fixed locations in exchange for receiving monthly payments of support over the

⁴ Id. at 1-3 and Exhibit D.

⁵ Id. at 2. See Application of Shenandoah Cable Television, LLC, For certificates of public convenience and necessity to provide local exchange and interexchange telecommunications services in the Commonwealth of Virginia, Case No. PUR-2019-00166, Doc. Con. Cen. No. 200230116, Final Order (Feb. 20, 2020).

⁶ Amended Application at 3.

⁷ Id. at 4.

⁸ Id. at 6.

10-year support term.⁹ Finally, the Company maintains that granting its requests for ETC designation as set out in the Amended Application would be consistent with the public interest, convenience, and necessity.¹⁰

NOW THE COMMISSION, upon consideration of the Application and applicable law, is of the opinion and finds that, consistent with prior orders in similar proceedings, local exchange carriers ("LECs") and other interested persons or entities should have an opportunity to file comments, objections, or requests for hearing on Shentel's Application. Therefore, we will direct Shentel to email a copy of this Order for Notice and Comment to all LECs certificated to provide service in Virginia. We also direct Shentel to provide a copy of its Application to anyone so requesting. Further, we find that any objections to the Company's Application should include a statement of the reasons for such opposition, and if the objection is related to a specific territory, that territory should be clearly defined. We find that requests for hearing shall state with specificity why such concerns cannot be adequately addressed in written comments or objections. Finally, we find that the Staff of the Commission ("Staff") should investigate the Application and present its findings and recommendations in a report ("Staff Report").

The Commission further takes judicial notice of the ongoing public health emergency related to the spread of the coronavirus, or COVID-19, and the declarations of emergency issued

⁹ *Id.* at 12.

¹⁰ Id. at 2-3, 17.

¹¹ See, e.g., Commonwealth of Virginia, ex rel, State Corporation Commission, Ex Parte, in re: Implementation of Requirements of § 214 (e) of the Telecommunications Act of 1996, and Application of Cox Virginia Telcom, L.L.C., For designation as an eligible telecommunications carrier under 47 U.S.C. § 214 (e), Case Nos. PUC-1997-00135 and PUC-2012-00059, Doc. Con. Cen. No. 121119018, Order Requesting Comments, Objections, or Requests for Hearing (Nov. 1, 2012) (noting that the Commission established Case No. PUC-1997-00135 to consider the requests of local exchange carriers to be designated as ETCs to receive universal support pursuant to the U.S. Code and associated federal regulations); Application of RiverStreet Communications of Virginia. Inc., For designation as an eligible telecommunications carrier, Case No. PUR-2018-00172, Doc. Con. Cen. No. 181120210, Order for Notice and Comment (Nov. 7, 2018).

at both the state and federal levels.¹² The Commission has taken certain actions, and may take additional actions going forward, that could impact the procedures in this proceeding.¹³ Consistent with these actions, in regard to the terms of the procedural framework established below, the Commission will, among other things, direct the electronic filing of pleadings herein, unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

- (1) This case is docketed and assigned Case No. PUR-2020-00275.
- (2) All pleadings, briefs, or other documents required to be served in this matter shall be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"). ¹⁴ Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. For the duration of the

¹² See, e.g., Executive Order No. 51, Declaration of a State of Emergency Due to Novel Coronavirus, COVID-19, issued March 12, 2020, by Governor Ralph S. Northam. See also Executive Order No. 53, Temporary Restrictions on Restaurants, Recreational, Entertainment, Gatherings, Non-Essential Retail Businesses, and Closure of K-12 Schools Due to Novel Coronavirus (COVID-19), issued March 23, 2020, by Governor Ralph S. Northam, and Executive Order No. 55, Temporary Stay at Home Order Due to Novel Coronavirus (COVID-19), issued March 30, 2020, by Governor Ralph S. Northam. These and subsequent Executive Orders related to COVID-19 may be found at: https://www.governor.virginia.gov/executive-actions/.

¹³ See, e.g., Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders, Case No. CLK-2020-00004, Doc. Con. Cen. No. 200330035, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020), extended by Doc. Con. Cen. No. 200520105, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency, Case No. CLK-2020-00005, Doc. Con. Cen. No. 200330042, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020) ("Revised Operating Procedures Order"), extended by Doc. Con. Cen. No. 200520105, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency, Case No. CLK-2020-00007, Doc. Con. Cen. No. 200410009, Order Requiring Electronic Service (Apr. 1, 2020).

^{14 5} VAC 5-20-10 et seq.

COVID-19 emergency, any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.¹⁵

- (3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.
- (4) On or before January 29, 2021, Shentel shall provide a copy of this Order for Notice and Comment by email to each local exchange telephone carrier certificated in Virginia. A list of all current local exchange carriers in Virginia is attached as an appendix to this Order.
- (5) Shentel shall respond promptly to requests from interested persons or entities for copies of the Application and shall provide one copy free of charge. An electronic copy may be obtained by submitting a written request to Shentel's counsel: Cliona Mary Robb, Esquire, Thompson McMullan, 100 Shockoe Slip, Third Floor, Richmond, Virginia 23219, crobb@t-mlaw.com; and Michael J. Quinan, Esquire, Thompson McMullan, 100 Shockoe Slip, Third Floor, Richmond, Virginia 23219, mquinan@t-mlaw.com. Interested persons may download unofficial copies from the Commission's website: scc.virginia.gov/pages/Case-Information.
- (6) On or before February 19, 2021, any person desiring to comment on Shentel's

 Application may do so electronically by following the instructions on the Commission's website:

¹⁵ As noted in the Revised Operating Procedures Order, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may not be processed for an indefinite period of time due to the COVID-19 emergency.

scc.virginia.gov/casecomments/Submit-Public-Comments, or by filing such comments with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. A copy thereof shall be served on counsel for Shentel at the addresses in Ordering Paragraph (5).

- (7) On or before February 19, 2021, any person or entity may file objections to Shentel's Application by filing such objections with the Clerk of the Commission at:

 scc.virginia.gov/clk/efiling/ or by filing an original and fifteen (15) copies of the objections with the Clerk of the Commission at the physical address set forth in Ordering Paragraph (6). Any objections to the Company's Application shall include a statement of the reasons for such opposition, and if the objection is related to a specific territory, that territory shall be clearly defined. Filed objections shall reference Case No. PUR-2020-00275. A copy thereof shall be served on counsel for Shentel at the addresses in Ordering Paragraph (5).
- (8) On or before February 19, 2021, any person or entity may request that the Commission convene a hearing on Shentel's Application by filing a request for a hearing with the Clerk of the Commission at: scc.virginia.gov/clk/efiling/ or an by filing an original and fifteen (15) copies of the request for hearing with the Clerk of the Commission at the physical address set forth in Ordering Paragraph (6). Written requests for hearing shall reference Case No. PUR-2020-00275 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. A copy thereof shall be served on counsel for Shentel at the addresses in Ordering Paragraph (5).
- (9) On or before February 19, 2021, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the

Commission at: scc.virginia.gov/clk/efiling/ or by filing an original and fifteen (15) copies of the notice of participation with the Clerk of the Commission at the physical address set forth in Ordering Paragraph (6). Such notice of participation shall include the email addresses of such parties or their counsel. The respondent shall serve a copy of the notice of participation on counsel to the Company at the addresses in Ordering Paragraph (5). Pursuant to 5 VAC 5-20-80 B, Participation as a respondent, of the Commission's Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, Counsel, of the Rules of Practice. All fillings shall refer to Case No. PUR-2020-00275.

- (10) The Staff shall investigate the Company's Application and present its findings and recommendations in a Staff Report to be filed on or before March 17, 2021.
- (11) On or before March 31, 2021, Shentel may file responses to the Staff Report and to any comments, objections, or requests for hearing filed with the Commission. If not filed electronically, an original and fifteen (15) copies of any responses shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (6). A copy of the response shall be served upon the Staff and on any persons or entities who filed comments, objections, or requests for hearing.
- (12) All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.
- (13) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories to parties or requests for production of documents and things*, shall be modified for this proceeding as

follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically, or by facsimile, on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to Staff. Except as modified above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 et seq.

(14) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to:

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Virginia 23219, crobb@t-mlaw.com; Michael J. Quinan, Esquire, Thompson McMullan, 100

Shockoe Slip, Third Floor, Richmond, Virginia 23219, mquinan@t-mlaw.com; and C. Meade

Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of

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Airus Virginia, Inc.	John McCluskey	jmccluskey@airustel.com
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